No. 1596

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Colombia, and refers to the ongoing counter-drug cooperation between the Government of the United States of America and the Government of the Republic of Colombia, including the Agreement between the Government of the United States of America and the Government of the Republic of Colombia concerning the Program for the Suppression of Illicit Aerial Traffic in Narcotic Drugs and Psychotropic Substances ("Air Bridge Denial Program"), signed in Bogotá on April 28, 2003.

The Embassy further refers to the February 20, 2004 exchange of letters between the United States Southern Command and the Colombian Military, including the commitment to maintain confidential certain radar data provided by the United States to the Colombian Military via the Cooperating Nation Information Exchange System ("CNIES").

Since the time of the above-mentioned exchange of letters, the United States has entered into agreements with several governments in Latin America and the Caribbean ("CNIES partner nations") governing the use of information, data, intelligence, and other assistance provided by the United States for matters related to the aerial trafficking of illicit drugs, including CNIES data. These agreements provide for the authorized sharing among CNIES partner nations of information that could be used for aerial interceptions and that has been developed using U.S. Government assistance. The Government of the United States believes that such sharing will contribute significantly to the prevention of aerial trafficking of illicit drugs in the region.

The Government of the United States also recognizes that the Republic of Colombia and certain CNIES partner nations may wish to share CNIES or other U.S.-provided information in furtherance of the effort to prevent the

aerial transport of illicit drugs. To facilitate such cooperation, the Embassy proposes to modify the commitment set out in the above-mentioned exchange of letters to allow for, upon receipt of the specific written consent of the Embassy, the sharing of information, data, or analysis that could be used for aerial interceptions and that has been developed using U.S. Government assistance. The text of this mutual understanding follows:

"The Government of the United States of America provides assistance, through the Air Bridge Denial Program and other support, to the Republic of Colombia's efforts to interrupt illicit drug trafficking routes and arrest of illicit drug traffickers. In consideration of the ongoing, mutually beneficial relationship between our two Governments in the field of law enforcement efforts to combat illicit drug trafficking, the Embassy of the United States of America proposes on behalf of the Government of the United States of America as follows:

I. Definitions

The term "U.S. Government assistance" as used in this Note shall include, but not be limited to: funding; intelligence; information; radar data (including data derived from the Cooperating Nation Information Exchange System (or "CNIES"); logistical support; command, control, and communications support; equipment; maintenance; and training provided by the Government of the United States of America.

The term "CNIES data" means data displaying the position of air and surface tracks of interest ("TOIs") based on geographic filters. The CNIES data includes both automatically-displayed Relocatable Over the Horizon Radar track information that has not been reviewed to ascertain the legal or illegal nature of the flight and TOIs that have been located and identified by other air surveillance systems or tracking aircraft as suspected narco-trafficking aircraft.

The term "interception" means the act by a Colombian aircraft of approaching and remaining near an aircraft, with the goal of identifying that aircraft, and, if necessary, directing it back to its planned route, directing it beyond the borders of Colombian airspace,

escorting it out of restricted, prohibited, or dangerous airspace, or instructing it to land.

II. Sharing of Information

The Government of Colombia shall not permit third parties access, without the specific written consent of the Embassy of the United States of America, to any information, data, or analysis that could be used for aerial interceptions that has been developed using U.S. Government assistance."

If the foregoing is acceptable to the Government of Colombia, the Embassy of the United States of America has the honor to propose that this Note and your Note in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of your reply.

Embassy of the United States of America

Bogotá, D.C., July 18, 2006

Chargé d'Affaires ad interim

TRANSLATED:POL:SBello
CLEARED:A/POL/C/:CHoey
CLEARED:MILGP:KSaderup
CLEARED:NAS:JConnor
APPROVED:CHARGE:MDrucker

No. 0047

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Colombia, and refers to its diplomatic note No. 1596 of July 18, 2006, which proposes an agreement that modifies the terms set out in the February 20, 2004 exchange of letters between the United States Southern Command and the Colombian Military concerning the provision of data by the United States to the Colombian Military via the Cooperating Nation Information Exchange System ("CNIES").

The Embassy received the Ministry of Foreign Relations diplomatic note response No. OAJ.CAT 57645 dated November 8, 2006. A comparison of the two texts revealed certain discrepancies as well as translation errors in the Spanish version. It is with great respect that we request the Colombian response be reissued with the following revisions, replacing diplomatic note No. OAJ.CAT 57645.

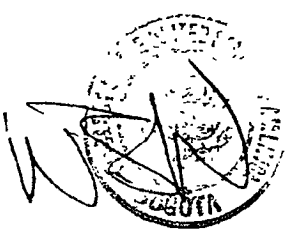
1. Paragraph 2: Add "los" before "Estados Unidos";
2. Paragraph 2: Change "proporcionada" to "que proporcionan";
3. Paragraph 3: Eliminate the paragraph which is repeated;
4. Paragraph 4: Insert "permitir" between "para" and "que";
5. Paragraph 4: Insert "se pueda realizar el intercambio de información," between "escrito," and "datos";
6. Paragraph 5: Replace "el arresto" with "para arrestar";
7. Paragraph 6: Replace "proporcionada" with "proporcionados";
8. Paragraph 7: Replace "localizables" with "relocalizables";
9. Conclusion: Replace "mi" with "su".

If the foregoing is acceptable to the Government of Colombia, the Embassy of the United States of America has the honor to propose that diplomatic note No. 1596 and your revised diplomatic note in reply shall constitute an agreement between our two governments, which shall enter into force on the date of your reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Relations of the Republic of Colombia the assurances of its highest consideration.

Embassy of the United States of America

Bogotá, D.C., January 10, 2007



DIPLOMATIC NOTE

U S Department of State
Office of Language Services
Translating Division

LS No 02-2007-0013
Spanish/English
TGR/JF

Translation

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN RELATIONS

OAJ CAT No 2118

The Ministry of Foreign Relations, Office of the Minister, presents its compliments to the Embassy of the United States of America and refers to its note No. 0047, received January 16, 2007, requesting corrections to the proposal on the Cooperating Nations Information Exchange System (CNIES), due to errors in the Spanish translation of the text This proposal was included in the Embassy's note No. 1596 of July 18, 2006, and in this Ministry's note in reply No. 57645 of November 8, 2006.

In this regard, the Ministry wishes to inform it that the corrections having been made, the proposal will read as follows:

[See U.S Text]

In this regard, allow me to convey to you that the Government of Colombia concurs with the above-cited terms, and, consequently, Your Excellency's note and this note in reply shall constitute an agreement between our governments [sic].

[Complimentary close]

[Initialed]

Bogotá, January 17, 2007